Draft Regulations laid before Parliament under section 252(4) and (5)(h) of the Levelling-up and Regeneration Act 2023 (c. 55), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building Safety Regulator (Establishment of New Body and Transfer of Functions etc.) Regulations 2026

Made - - - -	*****
Coming into force - -	*27th January 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 233(1), (2), (3) and (4), 250(1) and 252(1) of the Levelling-up and Regeneration Act 2023(**a**).

In accordance with section 252(4) and (5)(h) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Building Safety Regulator (Establishment of New Body and Transfer of Functions etc.) Regulations 2026.

(2) These Regulations come into force on 27th January 2026.

(3) Subject to paragraph (4), these Regulations extend to England and Wales.

(4) Any amendment or repeal made by these Regulations has the same extent as the provision amended or repealed.

Interpretation

2. In these Regulations—

"1984 Act" means the Building Act 1984(**b**);

"2022 Act" means the Building Safety Act 2022(**c**);

"building enactment" means any provision of, or of an instrument made under—

(a) Part 2 or 4 of the 2022 Act, or

(b) the 1984 Act.

(**a**) 2023 c. 55.
(**b**) 1984 c. 55.
(**c**) 2022 c. 30.

The new regulator

3.—(1) A body corporate called the Building Safety Regulator is established.

(2) Schedule 1 makes further provision about the Building Safety Regulator and consequential amendments.

Amendments conferring functions on the Building Safety Regulator

4. Schedule 2 makes amendments conferring functions on the Building Safety Regulator and consequential amendments.

Transitional and saving provisions

5.—(1) Paragraph (2) applies to anything which is done (or has effect as if done) by or in relation to the Health and Safety Executive as the building safety regulator ("HSE") for the purposes of, or otherwise in connection with, a transferred function and which is in effect immediately before the function is transferred.

(2) Anything to which this paragraph applies is to be treated, so far as is necessary for continuing its effect, as done by or in relation to the Building Safety Regulator.

(3) There may be continued by or in relation to the Building Safety Regulator anything (including legal proceedings) which—

(a) relates to a transferred function, and

(b) is in the process of being done by or in relation to HSE immediately before the function is transferred.

(4) In this regulation a "transferred function" means a function of HSE conferred on the Building Safety Regulator by these Regulations.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Ministry of Housing, Communities and Local Government

SCHEDULE 1

Regulation 3

The Building Safety Regulator

PART 1

Constitution

Membership

1.—(1) The Building Safety Regulator is to consist of—

(a) a person appointed by the Secretary of State as chair ("the chair"),

(b) at least 3 and no more than 8 other members, appointed by the Secretary of State, and

(c) the chief executive appointed under paragraph 4.

(2) The Secretary of State must consult the chair before appointing a member under sub-paragraph (1)(b).

(3) In appointing a person to be an appointed member the Secretary of State must—

(a) have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, matters relevant to the exercise of the functions of the Building Safety Regulator, and

(b) be satisfied that the person has no financial or other interest likely to affect prejudicially the exercise of the person's functions as a member.

(4) The Secretary of State may require any person who the Secretary of State proposes to appoint as an appointed member to provide any information the Secretary of State considers necessary for the purposes of sub-paragraph (3).

(5) In this Schedule "appointed member" means—

(a) the chair, or

(b) a member appointed under sub-paragraph (1)(b).

Terms of appointment of members

2.—(1) An appointed member holds and vacates office in accordance with the appointed member's terms of appointment (subject to this paragraph).

(2) An appointed member may resign their office by notice to the Secretary of State.

(3) The Secretary of State may dismiss an appointed member who—

(a) has been absent from meetings of the Building Safety Regulator for a period of more than 6 months without its permission,

(b) has become bankrupt or has made an arrangement with the member's creditors,

(c) the Secretary of State thinks has failed to comply with the terms of their appointment,

(d) the Secretary of State thinks has failed to comply with their obligations under paragraph 10 (members' interests),

(e) the Secretary of State thinks is otherwise unable, unfit or unsuitable to perform the functions of the appointed member.

Remuneration etc. of members

3.—(1) The Building Safety Regulator may pay to or in respect of appointed members—

(a) remuneration, and

(b) travel and other allowances.

(2) The Secretary of State must determine rates and eligibility criteria for payments under sub-paragraph (1).

(3) If, where a person ceases to hold office as chair or appointed member, the Secretary of State considers that there are special circumstances that justify the payment of compensation to that person, the Building Safety Regulator must pay such compensation as is determined by the Secretary of State.

Staff

4.—(1) The chair and other appointed members of the Building Safety Regulator must appoint a chief executive.

(2) But a person may be appointed as chief executive under sub-paragraph (1) only if approved by the Secretary of State.

(3) The Building Safety Regulator may appoint other staff.

(4) The Building Safety Regulator may pay to its staff such remuneration and allowances as it may decide.

(5) The Building Safety Regulator may—

(a) pay such pensions, allowances or gratuities to or in respect of any, or any former, member of staff, or

(b) pay such sums towards the provision for the payment of pensions, allowances or gratuities to or in respect of any, or any former, member of staff,

as it may decide.

Financial provision

5.—(1) The Building Safety Regulator may charge for giving advice, conducting research or providing other services.

(2) The Secretary of State may make payments to the Building Safety Regulator by way of grant or loan.

(3) A grant or loan may be subject to conditions (which may include provision for repayment, with or without interest).

(4) The Building Safety Regulator may borrow—

(a) by way of overdraft or otherwise, for the purpose of what it considers to be short-term management of its finances, or

(b) from the Secretary of State.

(5) The Building Safety Regulator may not borrow otherwise.

Committees

6.—(1) The Building Safety Regulator may establish committees and sub-committees.

(2) The committees which may be established under sub-paragraph (1) include (but are not limited to) those mentioned in sections 9(1), 10(1) and 11(1) of the 2022 Act.

(3) A committee or sub-committee may consist of or include persons who are neither appointed members nor members of the Building Safety Regulator's staff.

(4) The Building Safety Regulator may, with the consent of the Secretary of State, pay such remuneration and allowances as it thinks fit to any person who—

(a) is a member of a committee or sub-committee, but

(b) is not an appointed member or a member of its staff.

Procedures

7.—(1) Subject to the provisions of this Schedule, the Building Safety Regulator may determine its own procedure and the procedure of any committee or sub-committee.

(2) The Building Safety Regulator must make such arrangements as it thinks appropriate for publishing its procedure and the procedure of any committee or sub-committee.

(3) The validity of any proceedings is not affected by—

(a) any vacancy of the chair, chief executive or any other member,

(b) any defect in the appointment of the chair, chief executive or any other member, or

(c) any contravention of paragraph 10 (members' interests).

(4) In this paragraph "procedure" includes quorum.

Conflict of interests

8.—(1) The procedures under paragraph 7 (procedures) must include arrangements for dealing with any conflict of interest of—

(a) appointed members,

(b) members of staff, or

(c) members of committees or sub-committees who are not appointed members or members of staff.

(2) The procedures must oblige a person—

(a) to declare any financial or other personal interest relevant to the exercise of a function of the Building Safety Regulator, and

(b) to withdraw from the performance of that function unless the Building Safety Regulator directs otherwise, being satisfied that the interest will not influence performance of the function.

(3) In this Part, an "interest", in relation to a person, means a financial or other interest which is likely to affect prejudicially the discharge by the person of their functions as—

(a) an appointed member,

(b) a member of staff, or

(c) a member of a committee or sub-committee who is not an appointed member or a member of staff.

Delegation

9.—(1) Subject to sub-paragraph (3), the Building Safety Regulator may delegate any of its functions to—

(a) a committee,

(b) a sub-committee,

(c) an appointed member, or

(d) a member of staff.

(2) A committee may further delegate to a sub-committee, an appointed member or a member of staff.

(3) Until the end of 31st December 2026, the Building Safety Regulator, or a committee, may also delegate any of its functions to a member of staff of the Health and Safety Executive or to a member of staff of a government department seconded or loaned to the Building Safety Regulator or the Health and Safety Executive.

Members' interests

10.—(1) A member of the Building Safety Regulator who is directly or indirectly interested in any matter arising at a meeting of the Building Safety Regulator must disclose the nature of that interest to the meeting.

(2) A member of a committee or sub-committee of the Building Safety Regulator who is directly or indirectly interested in any matter arising at a meeting of the committee or sub-committee must disclose the nature of that interest to the meeting.

(3) Where a member has disclosed an interest within sub-paragraph (1) or (2)—

(a) that member must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but

(b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interest disclosed might prejudicially affect the member's consideration of the matter.

(4) The Building Safety Regulator must prepare and keep up to date a register of members' interests disclosed under sub-paragraph (1) or (2).

(5) The register required by sub-paragraph (4) must include the interests of—

(a) the members of the Building Safety Regulator, and

(b) all members of committees or sub-committees whether or not falling within paragraph (a).

Accounts

11.—(1) The Building Safety Regulator must keep proper accounts (and proper records of its accounts).

(2) As soon as is reasonably practicable after the end of each financial year the Building Safety Regulator must prepare a statement of accounts in respect of that financial year.

(3) The statement must be in such form as the Secretary of State may direct.

(4) The Building Safety Regulator must, within such period as the Secretary of State may direct, send a copy of the statement to—

(a) the Secretary of State, and

(b) the Comptroller and Auditor General.

(5) The Comptroller and Auditor General must—

(a) examine, certify and report on the statement, and

(b) send a copy of the certified statement and the report to the Secretary of State as soon as is reasonably practicable.

(6) The Secretary of State must lay before Parliament a copy of each statement and report received under sub-paragraph (5).

Annual report

12.—(1) The Building Safety Regulator must, as soon as is reasonably practicable after the end of each financial year, prepare an annual report in relation to how it has exercised its functions during that financial year.

(2) The Building Safety Regulator must, within such period as the Secretary of State may direct, send a copy of the annual report to the Secretary of State.

(3) The Secretary of State must lay a copy of each annual report before Parliament.

Supplementary

13.—(1) The Building Safety Regulator's financial year is each period of 12 months beginning with 1st April.

(2) But the first financial year is the period—

(a) beginning with 27th January 2026, and

(b) ending with 31st March 2026.

(3) The application of the Building Safety Regulator's seal must be authenticated by a member of the Building Safety Regulator or by some other person authorised (generally or specially) by the Building Safety Regulator for that purpose.

(4) A document purporting to be duly executed under the seal—

(a) is to be received in evidence, and

(b) is to be treated as so executed unless the contrary is shown.

(5) The Building Safety Regulator may institute criminal proceedings.

General powers

14. The Building Safety Regulator may do anything it thinks appropriate for the purposes of, or in connection with, its functions.

Status

15.—(1) The Building Safety Regulator is not to be regarded as—

(a) a servant or agent of the Crown, and

(b) enjoying any status, immunity or privilege of the Crown.

(2) The Building Safety Regulator's property is not to be regarded as property of, or held on behalf of, the Crown.

Secretary of State power to direct

16.—(1) The Secretary of State may at any time give to the Building Safety Regulator—

(a) such directions as the Secretary of State thinks fit with respect to its functions, or

(b) such directions as appear to the Secretary of State requisite or expedient to give in the interests of building safety.

(2) The Secretary of State may not under sub-paragraph (1) give any directions with regard to the enforcement of any building enactment in any particular case.

PART 2

Consequential Amendments

Amendments to primary legislation

17. In the Public Records Act 1958(**a**), in Part 2 of the Table at the end of paragraph 3 of Schedule 1, at the appropriate place insert—

"The Building Safety Regulator".

18. In the Parliamentary Commissioner Act 1967(**b**), in Schedule 2, at the appropriate place insert—

"The Building Safety Regulator".

19. In the House of Commons Disqualification Act 1975(**c**), in Part 2 of Schedule 1, at the appropriate place insert—

"The Building Safety Regulator".

20. In the Freedom of Information Act 2000(**d**), in Part 6 of Schedule 1, at the appropriate place insert—

"The Building Safety Regulator".

21. In the Equality Act 2010(**e**), in Part 1 of Schedule 19, in the list of "Regulators" at the appropriate place insert—

"The Building Safety Regulator".

Amendments to secondary legislation

22. In the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**f**), in Part 1 of the Schedule, at the appropriate place insert—

"The Building Safety Regulator".

23. In the Economic Growth (Regulatory Functions) Order 2017(**g**), in Part 1 of the Schedule, at the appropriate place insert—

"The Building Safety Regulator".

(**a**) 1958 c. 51. There are amendments to Schedule 1 not relevant to this instrument.
(**b**) 1967 c. 13. There are amendments to Schedule 2 not relevant to this instrument.
(**c**) 1975 c. 24. There are amendments to Schedule 1 not relevant to this instrument.
(**d**) 2000 c. 36. There are amendments to Schedule 1 not relevant to this instrument.
(**e**) 2010 c. 15. There are amendments to Schedule 19 not relevant to this instrument.
(**f**) S.I. 2007/3544. There are amendments to the Schedule not relevant to this instrument.
(**g**) S.I. 2017/267. There are amendments to the Schedule not relevant to this instrument.

24. In the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017(**a**), in Schedule 2, in the list of "Regulators" at the appropriate place insert—

"The Building Safety Regulator".

25. In the Official Statistics Order 2023(**b**), in the Schedule, at the appropriate place insert—

"The Building Safety Regulator".

SCHEDULE 2

Regulation 4

Further amendments

The Health and Safety at Work etc. Act 1974

1. The Health and Safety at Work etc. Act 1974(**c**) is amended as follows.

2.—(1) Section 11 is amended as follows.

(2) In subsection (5)—

(a) in paragraph (a), omit "other than its building functions";

(b) in paragraph (b), omit "other than its building functions".

(3) In subsection (6)(b), omit "or to its building functions".

3. Omit section 11A.

4. In section 12(3) omit ", or the enforcement of the building enactments,".

5. In section 13—

(a) in subsection (6) omit "or in connection with its building functions";

(b) in subsection (7) omit "except its building functions".

6. In section 27, omit subsection (5).

7. In section 53—

(a) omit the definition of "the building enactments";

(b) omit the definition of "building function".

8. In Schedule 2—

(a) in paragraph 2(3)(d)(iii), omit ", building safety, building standards or fire safety";

(b) in paragraph 9(3)(b), omit ", or the building enactments,".

The Building Act 1984

9. In section 126 of the Building Act 1984(**d**), in the definition of "the regulator", for "the Health and Safety Executive" substitute "the Building Safety Regulator".

(**a**) S.I. 2017/353. There are amendments to Schedule 2 not relevant to this instrument.
(**b**) S.I. 2023/878.
(**c**) 1974 c. 37. Sections 11, 12, 13, 27, 53 and Schedule 2 were amended by, and section 11A was inserted by, Schedule 1 to the 2022 Act.
(**d**) 1984 c. 55. Section 126 was amended by paragraph 81 of Schedule 5 to the 2022 Act. There are other amendments to section 126 which are not relevant to this instrument.

The Building Safety Act 2022

10. The 2022 Act is amended as follows.

11. In section 2—

(a) in subsection (1), for "the Health and Safety Executive" substitute "the Building Safety Regulator";

(b) in subsection (2), omit "that relate to the regulator".

12. In section 3—

(a) in subsection (4), omit paragraph (b) (and the "or" before it);

(b) in subsection (5), omit paragraph (c).

13. In section 9(1), omit the words from "exercise" to "1974 to".

14. In section 10(1), omit the words from "exercise" to "1974 to".

15. In section 11(1), omit the words from "exercise" to "1974 to".

16. In section 20(4), in the definition of "annual report", for the words from "paragraph" to "1974" substitute "paragraph 12 of Schedule 1 to the Building Safety Regulator (Establishment of New Body and Transfer of Functions etc.) Regulations 2026".

17. In section 28(5), omit paragraph (b) (and the "or" before it).

Miscellaneous amendments

18. In the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015(**a**), in paragraph (zg), for "the Health and Safety Executive" substitute "the Building Safety Regulator".

19. In class MA in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**b**), in paragraph MA.2(4), for "the Health and Safety Executive", in each place it occurs, substitute "the Building Safety Regulator".

20. In regulation 4 of the Building Safety Act 2022 (Consequential Amendments and Prescribed Functions) and Architects Act 1997 (Amendment) Regulations 2023(**c**), for "the Health and Safety Executive" substitute "the Building Safety Regulator".

(**a**) S.I. 2015/595. Schedule 4 was amended by S.I. 2021/814, there are other amendments not relevant to this instrument.
(**b**) S.I. 2015/596. Class MA was inserted by S.I. 2021/428 and amended by S.I. 2021/814, there are other amendments not relevant to this instrument.
(**c**) S.I. 2023/229.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the establishment of a new body, the Building Safety Regulator and for that body to replace the Health and Safety Executive as the building safety regulator for the purposes of the Building Safety Act 2022.

These Regulations also make provision in consequence of that replacement.

Regulation 3 and Schedule 1 establish the new body, set out its constitutional and financial arrangements and make a number of related amendments.

Regulation 4 and Schedule 2 make amendments to the Building Safety Act 2022, the Building Act 1984 and other enactments to confer the functions of the Health and Safety Executive as the building safety regulator on the new body. Schedule 2 also amends the Health and Safety at Work etc. Act 1974 to remove references to those functions, and makes other consequential amendments.

Regulation 5 makes transitional and saving provision in relation to the replacement of the Health and Safety Executive with the new body.

A regulatory impact assessment has not been prepared for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.

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